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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/700,323	09/27/2001	Takashi Niwa	S004-4139-PCT	4841	
759	90 10/02/2003		EXAMINER		
Bruce L Adam	=		JACKSON, ANDRE K		
Adams & Wilks 50 Broadway 31st Floor			ART UNIT PAPER NUMBER		
New York, NY 10004 2856			2856		

DATE MAILED: 10/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

•	Application No.	Applicant(s)	•			
Advisory Action	09/700,323	NIWA ET AL.				
Auvisory Action	Examiner	Art Unit				
	André K. Jackson	2856				
The MAILING DATE of this communication appe	ars on the cover sheet with the o	correspondence add	ress			
THE REPLY FILED 08 September 2003 FAILS TO PLACE Therefore, further action by the applicant is required to avainal rejection under 37 CFR 1.113 may only be either: (1) condition for allowance; (2) a timely filed Notice of Appeal Examination (RCE) in compliance with 37 CFR 1.114.	roid abandonment of this applica) a timely filed amendment whicl I (with appeal fee); or (3) a timel	ation. A proper repl h places the applica	y to a ition in			
	EPLY [check either a) or b)]					
a) The period for reply expires 3 months from the mailing date b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire I ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The ee have been filed is the date for purposes of determining the period of ee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of 2) as set forth in (b) above, if checked. Any reply received by the Office imely filed, may reduce any earned patent term adjustment. See 37 C	Advisory Action, or (2) the date set forth ater than SIX MONTHS from the mailing FILED WITHIN TWO MONTHS OF The date on which the petition under 37 CF of extension and the corresponding amount the shortened statutory period for reply be later than three months after the mai	g date of the final rejecting FINAL REJECTION. R 1.136(a) and the approperation of the fee. The appropriationally set in the final	on. See MPEP opriate extension ropriate extension Office action; or			
1. A Notice of Appeal was filed on Appellant's 37 CFR 1.192(a), or any extension thereof (37 CFF						
2. The proposed amendment(s) will not be entered because:						
(a) they raise new issues that would require further	er consideration and/or search (see NOTE below);				
(b) ☐ they raise the issue of new matter (see Note b	pelow);	•				
(c) they are not deemed to place the application in issues for appeal; and/or	n better form for appeal by mate	rially reducing or si	mplifying the			
(d) they present additional claims without canceli	ng a corresponding number of f	inally rejected claim	S.			
NOTE: <u>See Continuation Sheet</u> . 3. Applicant's reply has overcome the following reject						
 Newly proposed or amended claim(s) would canceling the non-allowable claim(s). 	be allowable if submitted in a se	eparate, timely filed	amendment			
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for application in condition for allowance because:		idered but does NO	T place the			
6. The affidavit or exhibit will NOT be considered bec raised by the Examiner in the final rejection.	ause it is not directed SOLELY	to issues which wer	e newly			
7. For purposes of Appeal, the proposed amendment explanation of how the new or amended claims we			and an			
The status of the claim(s) is (or will be) as follows:						
Claim(s) allowed:						
Claim(s) objected to:						
Claim(s) rejected: <u>1,3,4 and 24-40</u> .						
Claim(s) withdrawn from consideration:						
8. \square The proposed drawing correction filed on is	a) ☐ approved or b) ☐ disapp	proved by the Exam	iner.			
9. Note the attached Information Disclosure Statement	nt(s)(PTO-1449) Paper No(s)	·				
10. Other:						

Continuation of 2. NOTE: Applicants have argued that Muramatsu et al. does not disclose the reflecting film disposed on the second side of the second side of the optical waveguide where the reflecting member forms part of the reflecting film. However, in Column 6 and Figures 9a-b Muramatsu et al. disclose forming part of the reflecting film with a generally planar surface. The remaining limitations of the claim are addressed in Figures 2a-h. It would be certainly within the purview of the artisan to combine the two embodiments in order to get a device which can direct light through the tip (Figure 2) made as part of the reflecting layer (Figure 9) since this would improve the measurement capability in the microscope.

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